

**ORIGINAL****United States District Court**

Southern

DISTRICT OF

New York

John E. Andrus Memorial, Inc. (d/b/a Andrus on  
Hudson)

**SUMMONS IN A CIVIL CASE****V.**

CASE NUMBER:

Richard F. Daines, as Commissioner of the New  
York State Department of Health

**07 CV 3432  
JUDGE BRIEANT**

TO: (Name and address of defendant)

Richard F. Daines, Commissioner of the New York State Department of Health  
New York State Department of Health  
Corning Tower  
Empire State Plaza  
Albany, New York 12237

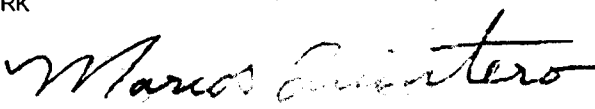
**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Cadwalader, Wickersham & Taft LLP  
One World Financial Center  
New York, New York 10281

an answer to the complaint which is herewith served upon you, within 20 days after service of this  
summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for  
the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period  
of time after service.

**J. MICHAEL McMAHON**

CLERK



(BY) DEPUTY CLERK

**APR 30 2007**

DATE

United States District Court  
Southern District of New York

Affidavit of  
Service

John E. Andrus Memorial, Inc.  
(d/b/a Andrus On Hudson)

Plaintiff(s)

vs

Index # : 07cv3432

Richard F. Daines, as Commissioner of the New  
York State Department of Health

Defendant(s)

State of New York  
County of Albany ss.

Guy A. Rider, being duly sworn, deposes and says that he is over the age of eighteen (18) years, is not a party in this action and resides in the State of New York; That on the 07th day of May, 2007 he served the:

Summons In A Civil Case, Complaint, Individual Practices of Judge Charles I.  
Brieant & Individual Practices of Magistrate Judge Mark D. Fox

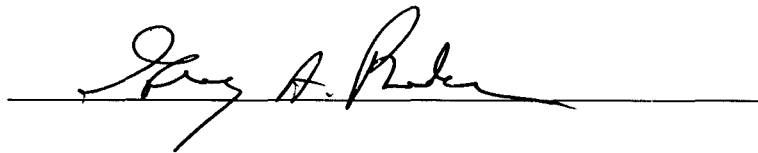
ON

Richard F. Daines, as Commissioner of the New York State Department of  
Health

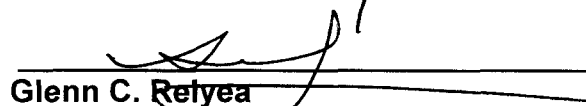
by delivering to and leaving, a copy, with Joseph C. Bierman, Principal Attorney,  
Department of Health, Empire State Plaza, Albany, NY

Deponent further says that the person so served in the office of the Department  
of Health stated that he was authorized to accept service on behalf of the named  
defendant.

A description of Joseph C. Bierman is as follows: Male, White Skin, Grey Hair,  
approximately 60 years of age, 5 feet 10 inches tall and approximately 170  
pounds.



Sworn to before me this  
7<sup>th</sup> day of May, 2007



Glenn C. Relyea  
Notary Public of New York, Qualified in Saratoga County  
My Commission Expires 04/06/2008 #02RE4994514